

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed \$300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and non-economic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

It was decided in the affirmative { Yeas 239
Nays 194

90.6

[Roll No. 372]

AYES—239

Abercrombie	Gibbons	Oberstar
Ackerman	Gillmor	Obey
Andrews (ME)	Gonzalez	Oliver
Andrews (NJ)	Gordon	Ortiz
Andrews (TX)	Green	Owens
Applegate	Gutierrez	Pallone
Bacchus (FL)	Hall (OH)	Pastor
Baesler	Hall (TX)	Payne (NJ)
Baker (LA)	Hamburg	Pelosi
Barca	Hamilton	Peterson (FL)
Barlow	Harman	Peterson (MN)
Barrett (WI)	Hastings	Pickett
Becerra	Hayes	Pickle
Berman	Hefner	Pomeroy
Bevill	Hilliard	Poshard
Bilbray	Hinchey	Price (NC)
Bishop	Hoagland	Rahall
Blackwell	Hochbruckner	Rangel
Bonior	Holden	Reed
Borski	Hoyer	Reynolds
Boucher	Hughes	Richardson
Brewster	Inslee	Roemer
Brooks	Jacobs	Romero-Barcelo
Browder	Jefferson	(PR)
Brown (CA)	Johnson (GA)	Rostenkowski
Brown (FL)	Johnson (SD)	Roybal-Allard
Brown (OH)	Johnson, E. B.	Rush
Bryant	Johnston	Sabo
Byrne	Kanjorski	Sanders
Cantwell	Kaptur	Sangmeister
Carr	Kennedy	Sarpalius
Chapman	Kennelly	Sawyer
Clay	Kildee	Schenk
Clayton	Klecza	Schumer
Clement	Klein	Scott
Clyburn	Klink	Serrano
Coleman	Kopetski	Sharp
Collins (IL)	Kreidler	Shepherd
Collins (MI)	LaFalce	Sisisky
Conyers	Lambert	Skaggs
Cooper	Lancaster	Skelton
Coppersmith	LaRocco	Slattery
Costello	Laughlin	Slaughter
Coyne	Lehman	Smith (IA)
Cramer	Levin	Spratt
Danner	Lewis (GA)	Stark
Darden	Lipinski	Stokes
de la Garza	Lloyd	Strickland
de Lugo (VI)	Long	Studds
Deal	Lowe	Stupak
DeFazio	Maloney	Swett
DeLauro	Mann	Swift
Dellums	Manton	Synar
Derrick	Margolies-	Tejeda
Deutsch	Mezvinsky	Thompson
Dicks	Markey	Thornton
Dingell	Martinez	Thurman
Dixon	Matsui	Torres
Durbin	McCloskey	Torricelli
Edwards (CA)	McCurdy	Towns
Emerson	McDermott	Traficant
Engel	McHale	Tucker
English (AZ)	McKinney	Underwood (GU)
English (OK)	McNulty	Unsoeld
Eshoo	Meek	Valentine
Evans	Menendez	Velazquez
Faleomavaega	Mfume	Vento
(AS)	Miller (CA)	Volkmer
Farr	Mineta	Waters
Fazio	Minge	Watt
Fields (LA)	Mink	Waxman
Filner	Mollohan	Wheat
Fingerhut	Montgomery	Whitten
Flake	Moran	Williams
Foglietta	Murphy	Wilson
Ford (MI)	Murtha	Wise
Ford (TN)	Nadler	Woolsey
Frost	Natcher	Wyden
Furse	Neal (MA)	Wynn
Gejdenson	Neal (NC)	Yates
Gephardt	Norton (DC)	

NOES—194

Allard	Beilenson	Buyer
Archer	Bentley	Callahan
Armey	Bereuter	Calvert
Bachus (AL)	Bilirakis	Camp
Baker (CA)	Bliley	Canady
Ballenger	Blute	Cardin
Barcia	Boehlert	Castle
Barrett (NE)	Boehner	Clinger
Bartlett	Bonilla	Coble
Bartlett	Bunning	Collins (GA)
Bateman	Burton	Combest

Condit	Inglis	Quinn
Cox	Inhofe	Ramstad
Crane	Istook	Ravenel
Crapo	Johnson (CT)	Regula
Cunningham	Johnson, Sam	Ridge
DeLay	Kasich	Roberts
Diaz-Balart	Kim	Rogers
Dickey	King	Rohrabacher
Dooley	Kingston	Ros-Lehtinen
Doolittle	Klug	Roth
Dornan	Knollenberg	Roukema
Dreier	Kolbe	Rowland
Duncan	Kyl	Royce
Dunn	Lantos	Santorum
Edwards (TX)	Lazio	Saxton
Everett	Leach	Schaefer
Ewing	Levy	Schiff
Fawell	Lewis (CA)	Schroeder
Fields (TX)	Lewis (FL)	Sensenbrenner
Fish	Lightfoot	Shaw
Fowler	Linder	Shays
Frank (MA)	Livingston	Shuster
Franks (CT)	Machtley	Skeen
Franks (NJ)	Manzullo	Smith (MI)
Galleghy	Mazzoli	Smith (NJ)
Gallo	McCandless	Smith (OR)
Gekas	McCollum	Smith (TX)
Geren	McCrery	Snowe
Gilchrist	McHugh	Solomon
Gilman	McInnis	Spence
Gingrich	McKeon	Stearns
Glickman	McMillan	Stenholm
Goodlatte	Meehan	Stump
Goodling	Meyers	Sundquist
Goss	Mica	Talent
Grams	Michel	Tanner
Grandy	Miller (FL)	Tauzin
Greenwood	Molinari	Taylor (MS)
Gunderson	Moorhead	Taylor (NC)
Hancock	Morella	Thomas (CA)
Hansen	Myers	Thomas (WY)
Hastert	Nussle	Torkildsen
Hefley	Opton	Upton
Herger	Oxley	Visclosky
Hobson	Parker	Vucanovich
Hoekstra	Paxon	Walker
Hoke	Payne (VA)	Walsh
Horn	Penny	Weld
Houghton	Petri	Wolf
Huffington	Pombo	Young (AK)
Hunter	Porter	Young (FL)
Hutchinson	Portman	Zeliff
Hutto	Pryce (OH)	Zimmer
Hyde	Quillen	

NOT VOTING—6

Henry	Moakley	Rose
McDade	Packard	Washington

So the amendment to the amendment was agreed to.

After some further time,

90.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment, as amended, submitted by Mr. PORTER.

It was decided in the affirmative { Yeas 358
Nays 69

90.8

[Roll No. 373]

AYES—358

Ackerman	Bevill	Cantwell
Allard	Bilbray	Cardin
Andrews (ME)	Bilirakis	Carr
Andrews (NJ)	Blackwell	Castle
Andrews (TX)	Bliley	Chapman
Archer	Blute	Clement
Armey	Boehlert	Clinger
Bacchus (FL)	Boehner	Clyburn
Bachus (AL)	Bonilla	Coble
Baesler	Bonior	Coleman
Baker (CA)	Borski	Collins (GA)
Ballenger	Boucher	Combest
Barca	Brewster	Condit
Barcia	Browder	Cooper
Barlow	Brown (CA)	Coppersmith
Barrett (NE)	Brown (OH)	Cox
Barrett (WI)	Bryant	Cramer
Bartlett	Bunning	Crane
Barton	Burton	Crapo
Bateman	Byrne	Cunningham
Beilenson	Callahan	Darden
Bentley	Calvert	de la Garza
Bereuter	Camp	DeFazio
Berman	Canady	DeLauro

DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrist
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Ingalls
Inhofe
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kildee
Kim

King
Kingston
Klecza
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowe
Machtley
Maloney
Manton
Manzullo
Margolies-
Mezvinsky
Markley
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Molinar
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad

Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo
(PR)
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Santorum
Sarpalio
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—69

Abercrombie
Applegate

Becerra
Bishop

Brooks
Brown (FL)

Clay
Clayton
Collins (IL)
Collins (MI)
Inslee
Istook
Jefferson
Kanjorski
Kennedy
Klink
Kopetski
Lancaster
Lewis (GA)
Mann
Martinez
McInnis
McNulty
Meehan
Meek
Miller (CA)
Mink
Mollohan
Murphy

Hamburg
Hoagland
Holden
Pelosi
Rush
Schroeder
Scott
Skaggs
Slaughter
Stark
Stokes
Swift
Synar
Taylor (NC)
Torres
Traficant
Unsoeld
Waters
Watt
Wilson

NOT VOTING—12

Baker (LA)
Buyer
Conyers
Henry

Kennelly
McDade
Moakley
Packard

Rangel
Rose
Underwood (GU)
Washington

So the amendment, as amended, was agreed to.

After some further time,

190.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CUNNINGHAM to the amendment submitted by Mr. BAKER of California:

Amendment submitted by Mr. CUNNINGHAM:

In the matter proposed to be inserted by the amendment on page 182 of the bill as section 102 of the National and Community Service Act of 1990, insert before the close quotation marks at the end of subsection (b) of such section the following: "Nothing in this section shall be construed to prohibit or limit an Indian tribe, nonprofit organization, or institution of higher education from receiving assistance, participants, or volunteers under a national service law even though the entity (unrelated to such assistance, participants, or volunteers) provides religious instruction to, or permits religious worship by, aliens who are not in lawful immigration status in the United States."

Amendment submitted by Mr. BAKER of California:

Page 182, strike lines 3 through 5, and insert the following new section (and conform the table of contents accordingly):

SEC. 112. PROHIBITION ON SERVICES FOR ILLEGAL ALIENS.

(a) PROHIBITION.—Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is amended to read as follows:

"SEC. 102. PROHIBITION ON SERVICES FOR ILLEGAL ALIENS.

"(A) PROHIBITION.—Except as provided in subsection (b), the Corporation may not make assistance available under this Act to a national service program that provides services directly to persons and is carried out by a Federal agency, State, subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education or provide for the placement of volunteers under the Domestic Volunteer Service Act of 1973 with a public or nonprofit private organization that provides services directly to persons unless the program to receive the assistance or the organization to receive the placement has a written policy that prohibits the delivery of services to aliens who are not in lawful immigration status in the United States. In the case of a public or private nonprofit organization covered by this subsection, the written pol-

icy must apply with respect to all service programs conducted by the organization whether or not a particular program receives assistance or a volunteer placement.

"(b) EXCEPTION.—Subsection (a) shall not prohibit the delivery of emergency services to aliens who are not in lawful immigration status in the United States or educational services required by law to be provided to such aliens if the emergency or educational services are provided to such aliens if the emergency or educational services are provided by a program or organization that has a written policy of reporting the presence of such aliens to the Immigration and Naturalization Service."

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 102 of such Act and inserting the following:

"Sec. 102. Prohibition on services for illegal aliens."

It was decided in the { Yeas 270
affirmative } Nays 163

190.10

[Roll No. 374]

AYES—270

Allard	Emerson	Klecza
Andrews (TX)	English (OK)	Klug
Applegate	Everett	Knollenberg
Archer	Ewing	Kolbe
Armey	Fawell	Kyl
Bachus (AL)	Fazio	LaFalce
Baessler	Fields (TX)	Lambert
Baker (CA)	Fish	Lancaster
Baker (LA)	Fowler	Laughlin
Ballenger	Franks (CT)	Lazio
Barca	Franks (NJ)	Leach
Barcia	Frost	Lehman
Barrett (NE)	Gallegly	Levy
Barrett (WI)	Gallo	Lewis (CA)
Bartlett	Gekas	Lewis (FL)
Barton	Geren	Lightfoot
Bateman	Gilchrist	Linder
Bentley	Gillmor	Lipinski
Bereuter	Gingrich	Livingston
Bevill	Glickman	Lloyd
Bilbray	Goodlatte	Long
Bilirakis	Goodling	Machtley
Bliley	Gordon	Manzullo
Blute	Goss	McCandless
Boehlert	Grams	McCloskey
Boehner	Grandy	McCollum
Bonilla	Greenwood	McCrery
Browder	Gunderson	McCurdy
Bunning	Hall (TX)	McHale
Burton	Hamilton	McHugh
Buyer	Hancock	McInnis
Byrne	Hansen	McKeon
Callahan	Harman	McMillan
Calvert	Hastert	McNulty
Camp	Hayes	Meyers
Canady	Hefley	Mica
Cantwell	Hefner	Michel
Cardin	Herger	Miller (FL)
Castle	Hoagland	Molinar
Chapman	Hobson	Mollohan
Clement	Hochbrueckner	Moorhead
Clinger	Hoekstra	Murphy
Coble	Hoke	Myers
Collins (GA)	Holden	Nussle
Combest	Houghton	Obey
Condit	Huffington	Orton
Cooper	Hughes	Oxley
Costello	Hunter	Pallone
Cox	Hutchinson	Parker
Cramer	Hutto	Paxon
Crane	Hyde	Payne (VA)
Crapo	Ingalls	Penny
Cunningham	Inhofe	Petri
Danner	Inslee	Pickle
Darden	Istook	Pombo
Deal	Jacobs	Pomeroy
DeLay	Johnson (CT)	Porter
Derrick	Johnson (GA)	Portman
Dickey	Johnson (SD)	Poshard
Doolittle	Johnson, Sam	Price (NC)
Dornan	Kaptur	Pryce (OH)
Dreier	Kasich	Quillen
Duncan	Kennedy	Quinn
Dunn	Kim	Rahall
Durbin	King	Ramstad
Edwards (TX)	Kingston	Ravenel